

## CHAPTER 353

### QUARRIES 1963-39

This Act came into operation on 15th March, 1963.

#### **Amended by:**

*1972-5*

*1967/168*

*1985-22*

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1987

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## **CHAPTER 353**

### **QUARRIES**

1963-39

#### *Arrangement of Sections*

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#### SCHEDULE

**BARBADOS****QUARRIES**

1963-39

*An Act to make provision for the registration, licensing and supervision of quarries, for the safety of workers employed therein, for the fencing thereof and for related matters.*

[Commencement: 15th March, 1963]

**Short title**

1. This Act may be cited as the *Quarries Act*.

**Interpretation**

2. For the purposes of this Act

“Chief Labour Officer” includes any person authorised in writing by the Chief Labour Officer to act on his behalf;

“Minister” means the Minister responsible for Labour;

“operator” means an operator of a quarry to whom a licence to operate that quarry has been granted under this Act;

“owner” means any individual or body corporate who is the immediate proprietor or lessee of a quarry or any part thereof and any attorney or agent of such proprietor or lessee;

“quarriable mineral” includes stone, gravel, limestone, clay, sand, tar sand, quartz, marble, flint, chalk and any other natural deposit;

[1985-22]

“quarry” means any place in which excavation is carried out for the purpose of mining stone, slate, granite or other igneous metamorphic rocks, quartz, marble, flint, chalk, clay, gravel, sand or tar sand, together with all erections, plant, machinery, railways, appliances, stores, waste heaps and dumps belonging or appertaining thereto.

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[1972-5]

### **Registration of quarries**

3.(1) The owner of a quarry shall register the same with the Chief Labour Officer who shall on receipt of a fee of \$1 issue to such owner a certificate of registration with respect to the said quarry in the Form set out as Form No. 1 in the Schedule.

(2) Application for the registration of a quarry shall be made to the Chief Labour Officer by or on behalf of the owner thereof in the Form set out as Form No. 2 in the Schedule and shall contain a delineation of the boundaries of the quarry in respect of which the application is made.

(3) An owner of a quarry who fails to register that quarry in accordance with this section is guilty of an offence against this Act.

### **Register of quarries**

4. The Chief Labour Officer shall keep a register of quarries and shall cause to be entered therein from time to time, with respect to quarries registered under this Act, such particulars as are specified in Form No. 3 in the Schedule.

**Transfer of registration**

5.(1) Where the ownership of a quarry is transferred, the new owner shall make a written application to the Chief Labour Officer for the transfer of registration of that quarry and the Chief Labour Officer, on such application and on receipt of a fee of \$1, shall transfer the registration of such quarry.

(2) Any person to whom ownership of a quarry registered under this Act has been transferred who fails to comply with this section is guilty of an offence against this Act.

**Notification of abandonment of quarry**

6.(1) Where a quarry is abandoned as a quarry, the owner thereof shall, within 14 days of such abandonment, notify the Chief Labour Officer of such abandonment.

(2) The Chief Labour Officer shall cancel the certificate of registration of any quarry which has been abandoned as a quarry or which has ceased to exist physically.

(3) Any owner who fails to notify the Chief Labour Officer of the abandonment of a quarry in accordance with this section is guilty of an offence against this Act.

**Inspection and licensing of quarries**

7.(1) No person shall operate a quarry except under and in accordance with a licence granted to him in that behalf by the Chief Labour Officer.

(2) A licence granted under subsection (1) shall be in the Form set out as Form No. 4 in the Schedule.

(3) An application for a licence to operate a quarry shall be made in writing to the Chief Labour Officer by or on behalf of the person seeking to be the operator of that quarry and the said application shall be in the Form set out as Form No. 5 in the Schedule.

(4) Forthwith upon receipt of an application for a licence to operate a quarry the Chief Labour Officer shall cause the quarry to which the application relates to be inspected and may, within 7 days after such inspection, give to the applicant for the licence notice in the Form set out as Form No. 6 in the Schedule of such requirements as the Chief Labour Officer may deem necessary for the safety of persons employed in the said quarry.

(5) A licence to operate a quarry shall not be granted to any person unless

- (a) the Chief Labour Officer is satisfied that the person has fulfilled the requirements in any notice given to him pursuant to subsection (4); and
- (b) the person has paid to the Chief Labour Officer the fee prescribed in an order made by the Minister responsible for Finance.

*[1985-22]*

(5A) A licence granted under this section is valid for a period of 1 year and is renewable annually on payment of the fee prescribed in an order made by the Minister of Finance.

*[1985-22]*

(6) Subject to subsection (7), a person is guilty of an offence against this Act if he operates a quarry without a licence.

(7) A person is not guilty of an offence under subsection (6) with respect to such operation of a quarry as, in the opinion of a magistrate, is necessary to enable such person to fulfil the requirements in any notice given to him pursuant to subsection (4).

### **Procedure on loss, etc., of licence**

**8.** Where any licence granted under this Act is accidentally destroyed, defaced or lost, the Chief Labour Officer may, if he is satisfied as to the destruction, defacement or loss of such licence, grant to the operator concerned a certificate setting out the purport and effect of the licence and reciting such destruction, defacement or loss, and such certificate shall have the same force and effect as the original licence.

**Licence not to be borrowed**

9. No person shall borrow or make use of a licence under this Act granted to any other person, and any person who borrows or makes use of such a licence is guilty of an offence against this Act.

**Licence not to be assigned**

10. An operator shall not lend, transfer or assign to any other person any licence that has been granted to such operator under this Act, and any operator who lends, transfers or assigns such a licence to any other person is guilty of an offence against this Act.

**Cancellation and revocation of licence**

11. The Chief Labour Officer may cancel or revoke a licence issued under this Act

- (a) on being requested in writing to do so by the operator concerned; or
- (b) where he is satisfied that the operator concerned has ceased to be in control of the quarry to which the licence relates.

**Appeals**

12.(1) Any person who is aggrieved

- (a) by the refusal of the Chief Labour Officer pursuant to section 7 to grant a licence to such person to operate a quarry; or
- (b) by the cancellation or revocation by the Chief Labour Officer pursuant to section 11 of a licence that was granted to such person under this Act,

may, within 14 days after such refusal, cancellation or revocation, as the case may be, appeal therefrom to the Minister stating the grounds of such appeal.

(2) The Minister shall determine an appeal under this section in such manner as he may think fit and every such determination shall be final and conclusive.

### **Safety**

**13.(1)** An operator of a quarry shall operate that quarry in such manner as not to cause any undue risk of bodily injury to any person employed or working therein.

(2) An operator of a quarry shall without delay and as often as may be necessary remove any overhanging part of such quarry which is likely to cause danger to any person employed by such operator in that quarry or working in the same with his permission and shall otherwise prevent such overhanging part from being a cause of danger.

(3) An operator of a quarry having an overhanging roof in any part thereof who has ceased to use such quarry shall, to the satisfaction of the Chief Labour Officer

- (a) remove the said overhanging roof; or
- (b) properly fence such quarry so as to prevent persons from entering the same; and
- (c) give notice near to the entrance of such quarry that the use of the quarry is dangerous.

(4) An operator who fails to comply with any of the provisions of this section is guilty of an offence against this Act.

**Magistrate may prohibit use of part of quarry, etc., in certain circumstances**

**14.(1)** Where on complaint made to a magistrate by the Chief Labour Officer such magistrate is satisfied—

- (a) that any part of a quarry or of the works, machinery or plant used therein is so constructed or is so placed that it cannot be used without risk of bodily injury; or
- (b) that any process or work is carried on or anything is or has been done in any quarry in such a manner as to cause risk of bodily injury,

that magistrate may, by order, prohibit the use of that part of the quarry or of the works, machinery or plant, or, if the same is capable of repair or alteration, prohibit its use until it is duly repaired or altered as specified in the said order.

(2) Where a complaint is made under this section, a magistrate may—

- (a) on application *ex parte* by the Chief Labour Officer; and
- (b) on receiving evidence that the use of any such part of the quarry or of the works, machinery or plant or, as the case may be, the carrying on of any process or work or the doing of anything in such manner as aforesaid involves imminent risk of serious bodily injury,

make an interim order, prohibiting, either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.

(3) An interim order made by a magistrate under this section shall be served forthwith on the owner and on the operator of the quarry to which such order relates.

**Powers of inspection**

**15.(1)** The Chief Labour Officer or any member of the Police Force may, at all reasonable times, enter upon and inspect any quarry.

(2) Any person who obstructs the Chief Labour Officer or any member of the Police Force in the execution of his duties under this section is guilty of an offence and liable on summary conviction thereof to a fine of one hundred and twenty dollars or to imprisonment for six months.

(3) For the purposes of this section, the expression “Chief Labour Officer” includes the Deputy Chief Labour Officer and any Labour Officer.

### **Notification of accidents**

**16.(1)** Where by reason of any explosion at a quarry or by the falling of stones or debris therein or by any other cause or occurrence, loss of life or personal injury occurs to any person employed at that quarry, the operator concerned shall, within twenty-four hours next after such explosion or occurrence, give notice thereof to the Chief Labour Officer in the Form set out as Form No. 7 in the Schedule.

(2) Where any personal injury of which notice is required to be given pursuant to this section results in the death of the person injured, notice in writing of such death shall be given by the operator concerned to the Chief Labour Officer within twenty-four hours after such death comes to the knowledge of the operator.

(3) Every person receiving any injury referred to in this section shall, if it is possible for him to do so, report the same to the operator concerned or to any foreman or other official under whose supervision such person is employed.

(4) An operator who fails to comply with any of the provisions of this section is guilty of an offence and liable on summary conviction thereof to a fine of twenty-four dollars.

### **Fencing of quarries**

**17.(1)** The owner of a quarry shall keep the same reasonably fenced to the satisfaction of the Chief Labour Officer for the prevention of accidents.

(2) An owner who is aggrieved by any requirement made of him by the Chief Labour Officer pursuant to subsection (1) may, within fourteen days after the day

on which such requirement was made, appeal therefrom to the Minister stating the grounds of such appeal.

- (3) The Minister shall determine an appeal under this section in such manner as he may think fit and every such determination shall be final and conclusive.
- (4) An owner who fails to comply with subsection (1) is guilty of an offence against this Act.

### **Regulations**

**18.(1)** The Chief Labour Officer may, subject to the approval of the Minister, make regulations for carrying this Act into effect and any such regulation may provide for—

- (a) the general regulation and safe working of quarries and the closing thereof;
  - (b) the manner in which blasting may be carried out at quarries;
  - (c) the fees to be paid in respect of any matter or thing prescribed.
- (2) Regulations shall be subject to negative resolution.

### **Penalty**

**19.(1)** A person who is guilty of an offence against this Act for which no penalty is provided is liable on summary conviction thereof to a fine of one hundred dollars or to imprisonment for six months.

- (2) Where the owner or operator of a quarry is convicted of an offence against this Act, a magistrate may, in addition to or instead of imposing a fine, order such owner or operator, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred and may, on application, enlarge the time so specified.
- (3) Where an order is made under subsection (2), the owner or operator shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the order, but if, after the expiration of that time as

originally specified or enlarged by subsequent order, the order is not complied with, the owner or operator is liable to a fine of twenty-four dollars for each day on which the non-compliance continues.

### **Conduct of proceedings**

**20.(1)** The Chief Labour Officer may institute proceedings in a magistrate's court in the name of the Chief Labour Officer for any offence under this Act.

(2) All offenders against this Act, or against any regulations made thereunder, may be prosecuted by the Chief Labour Officer before a magistrate's court.

(3) For the purposes of this section, the expression "Chief Labour Officer" includes the Deputy Chief Labour Officer and any Labour Officer.

### **Power to amend Schedule**

**21.** The Minister may by order published in the *Official Gazette*—

(a) amend or vary any of the Forms in the Schedule;

(b) add any Form to the Schedule or delete any Form from the Schedule.

**SCHEDULE**

**FORM NO. 1**

(s.3 (1))

*The Quarries Act, 353, Laws of Barbados.*

**CERTIFICATE OF REGISTRATION**

I hereby certify that.....  
has registered a quarry owned by him at.....  
in                    the                    parish                    of.....

Dated.....

.....

*Chief Labour Officer.*

Fee: One dollar

FORM NO. 2

(s.3 (2))

*The Quarries Act, Cap. 353, Laws of Barbados.*

APPLICATION FOR REGISTRATION

To the Chief Labour Officer

I,.....(owner’s full name), hereby apply for registration  
of a quarry owned by me at.....  
.....in the parish of.....  
and operated by..... Here set out boundaries of quarry:—

Dated.....

Signature.....

Address.....

FORM NO. 3

(s. 4)

*The Quarries Act, Cap. 353, Laws of Barbados.*

REGISTER OF QUARRIES

Parish	Locality	Owner's Name	Owner's Address	Operator's Name	Operator's Address	Date of Registration

FORM NO. 4

(s. 7(2))

*The Quarries Act, Cap. 353, Laws of Barbados.*

LICENCE TO OPERATE QUARRY

Licence is hereby granted to.....  
to operate a quarry owned by.....  
at.....in the parish of.....

Dated.....

.....

*Chief Labour Officer.*

FORM NO. 5

(s. 7(3))

s. 7(3).

FORM NO. 5

*The Quarries Act, Cap. 353, Laws of Barbados.*

APPLICATION FOR LICENCE

To the Chief Labour Officer,

I, .....  
(Proposed operator's full name)

hereby apply for a licence to operate a quarry owned by.....

.....at.....in the parish of.....

.....

Dated.....

Signature .....

Address .....

.....

\_\_\_\_\_

FORM NO. 6

(s. 7(4))

*The Quarries Act, Caps. 353, Law of Barbados.*

NOTICE OF REQUIREMENTS

To: .....

I hereby give you notice that I deem the undermentioned requirements necessary for the safety of persons employed in the quarry at.....  
in the parish of.....

Requirements:—

- 2. By virtue of the provisions of section 7 (5) of the above Act a licence to operate the above mentioned quarry cannot be granted unless the above requirements are fulfilled to my satisfaction.

Dated.....

.....

*Chief Labour Officer.*

FORM NO. 7

(s. 16(1))

*The Quarries Act, Cap. 353, Laws of Barbados.*

NOTICE OF ACCIDENT

1. Name of Operator.....
2. Address of works or place where accident or dangerous occurrence happened.....
3. Nature of occupation or business of injured person.....
4. Branch or department and exactly where accident or dangerous occurrence happened.....
5. Injured person's
  - (a) surname
  - (b) other names
  - (c) address
  - (d) sex
  - (e) age last birthday
  - (f) precise occupation
6. Date and hour of accident.....
7. Hour at which injured person started work on day of accident .....
8. Cause or nature of accident.....  
If caused by machinery—

- (a) give name of machine and part causing accident.....
- (b) state whether machine was moved by mechanical power at the time of the accident.....

**9.** Nature, location and extent of injuries.....  
 .....

**10.** If accident was not fatal, state whether injured person was disabled for more than three days from earning full wages at the work at which he was employed at the time of the accident.....  
 .....  
 .....

Date.....

.....

*Operator of Quarry*